

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 9281

IN THE MATTER OF:

Served January 31, 2006

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|------------------------------------|---|----------------------|
| Application of BUSINESS LOGISTICS |) | Case No. AP-2006-003 |
| GROUP, L.L.C., Trading as ATS, |) | |
| L.L.C., for Temporary Authority -- |) | |
| Irregular Route Operations |) | |

By application accepted for filing January 18, 2006, Business Logistics Group, L.L.C., a Virginia limited liability company trading as ATS, L.L.C., seeks temporary authority to conduct irregular route operations with nine vans under a contract with MV Transportation, Inc., WMATC No. 764.

MV has a contract with the Washington Metropolitan Area Transit Authority (WMATA). The contract requires MV to operate a reservation system for the benefit of disabled individuals participating in WMATA's MetroAccess program and to ensure that program participants receive timely and adequate transportation service. The MetroAccess program is WMATA's means of complying with the Americans with Disabilities Act of 1990,¹ which in pertinent part prohibits discrimination against the disabled by public transportation providers.

Applicant also has applied for a certificate of authority in Case No. AP-2006-002.

Under Title II of the Compact, Article XI, Section 13(a), the Commission may grant temporary authority if there is an immediate need for service that is not available.

The MV contract calls for service to begin January 15, 2006, but this application was not filed until January 18, which raises the question of whether the service covered by the proposed contract is being performed by MV, or has been contracted out to another WMATC carrier, while this application is pending. Applicant will be directed to file an affidavit from MV attesting to an immediate need for service not available from any current WMATC carrier.²

¹ 42 U.S.C. § 12101, et. seq. (2003).

² See *In re Keen Transp. Ltd.*, No. AP-99-89, Order No. 5805 (Feb. 4, 2000) (finding based on affidavit from MetroAccess general contractor).

Under Regulation No. 54-06(a), a temporary authority applicant also must demonstrate fitness.

Applicant's vice president and 50% owner, Spencer T. Chambliss, Jr., is also a vice president of Answers, Inc., which held WMATC Certificate No. 488 from November 15, 1999, until October 2, 2002, when it was revoked in Order No. 6831 for willful failure to comply with the Commission's insurance regulation, Regulation No. 58.³ Order No. 6831 gave Answers thirty days to remove its WMATC number from its vehicle(s), file an affidavit with the Commission verifying removal, and surrender Certificate No. 488. Answers has yet to comply.

In addition Answers was assessed a \$200 civil forfeiture in 2002 for willful failure to file its annual report for 2001, as directed by Commission Order No. 6777, and pay the \$100 annual fee for 2002, as directed by Commission Order No. 6778.⁴ Answers has yet to comply.

The history of Certificate No. 488 has a bearing on this application because the past conduct of an applicant's owners and officers is relevant to a determination of applicant's compliance fitness.⁵ Under the circumstances, applicant will be directed to explain why the Commission should not find applicant unfit given the failure of Mr. Chambliss to ensure Answer's compliance with Commission requirements. In addition, Mr. Chambliss will be directed to verify in accordance with Commission Rule No. 28 that Answers ceased operating in the Metropolitan District as of July 31, 2002, the date Certificate No. 488 was automatically suspended.

Further, the application indicates that Answers is "currently engaged in contract transportation services not involving a WMATC certification." Mr. Chambliss will be directed to furnish a copy of the federal and/or state carrier authority under which Answers operates and copies of all transportation contracts performed by Answers since 2001.⁶

This proceeding is hereby initiated to determine whether applicant is fit and whether there is an immediate need for service that is not available.

³ In re Answers, Inc., No. MP-02-58, Order No. 6831 (Oct. 2, 2002).

⁴ In re Answers, Inc., No. MP-02-70, Order No. 6870 (Oct. 28, 2002).

⁵ In re People Helping Others Transp., Inc., No. AP-05-17, Order No. 8623 (Apr. 4, 2005).

⁶ See *id.*, (directing applicant's president to produce documents relating to affiliate's operations in the Metropolitan District).

THEREFORE, IT IS ORDERED:

1. That applicant shall file with the Commission, no later than February 14, 2006:

- a. An affidavit from MV Transportation, Inc., attesting to an immediate need for service not available from any current WMATC carrier.
- b. A statement explaining why the Commission should not find applicant unfit given the failure of applicant's vice president, Mr. Chambliss, to ensure the compliance of Answers, Inc., WMATC No. 488, with Commission Order Nos. 6777, 6778, and 6831.
- c. A notarized statement from applicant's vice president, Mr. Chambliss, verifying in accordance with Commission Rule No. 28 that Answers, Inc., ceased transporting passengers for hire in the Metropolitan District as of July 31, 2002.

2. That applicant's vice president, Mr. Chambliss, shall file with the Commission, no later than February 14, 2006, a copy of the federal and/or state carrier authority under which Answers, Inc., operates and copies of all transportation contracts performed by Answers, Inc., since 2001.

3. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing is February 14, 2006, and that copies must be served on applicant's vice president, Spencer T. Chambliss, Jr., 201 Elden Street, #203, Herndon, VA 20170.

FOR THE COMMISSION:



William S. Morrow, Jr.
Executive Director